

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS

Release No. 2200/January 9, 2015

ADMINISTRATIVE PROCEEDING

File No. 3-15918

In the Matter of

DENNIS J. MALOUF

ORDER

On January 2, 2015, third party UASNM, Inc., filed a Motion for Contempt and for Sanctions (Motion) against Respondent and attached as Exhibit 1 a letter from counsel for Malouf to counsel for UASNM dated December 30, 2014, and enclosing a \$12,004.21 check (Exhibit 1). UASNM avers in the Motion that Respondent did not pay \$2,475.00 of the \$14,479.21 he had been ordered to pay UASNM by December 31, 2014 to reimburse select costs of subpoena compliance. Motion at 2, Ex. 1.

UASNM contends that Respondent's failure to meet the deadline "forced" it "to expend additional attorney's fees to compel Respondent to comply . . ." *Id.* at 3. While the Motion is not inappropriate – and does demonstrate a certain zeal in the representation of UASNM's interests – it is not clear that such a motion was necessary at this time. It appears that 17% of the costs and expenses awarded could not be reimbursed by the insurance carrier for this administrative litigation, and instead had to be referred to Respondent's state court counsel. Thus, one reasonable alternative to filing this motion would have been to confer with Respondent's counsel to work out these issues. In retrospect, had I understood this division of responsibilities (between Respondent's counsel in the administrative proceeding and state court with regard to reimbursing UASNM), I would have afforded Respondent additional time, to address the payment of \$2,475.00 in coordination with his state court counsel, especially in light of the fact that my Order on the costs of subpoena compliance issued the Friday before the two weeks marked by the Christmas and New Year's holidays. Now, with the benefit of that information, I will afford Respondent until January 30, 2015, to complete the \$2,475.00, payment, and require Respondent file proof of payment to UASNM in this proceeding. UASNM's Motion is DENIED, as premature, and I have every expectation this matter will be resolved by Respondent's payment. In the unlikely event that Respondent fails to file proof of the outstanding payment by the revised deadline, I will issue an appropriate order on this issue

sua sponte. Unless directed otherwise by such an order, UASNM should not file any further motions or briefs on this issue.

SO ORDERED.

Jason S. Patil
Administrative Law Judge